

ARTICLE 33-21

Chapter
33-21-01

Operation of Cleaning, Pumping, and Servicing of Cesspools, Septic Tanks or Privies

CHAPTER 33-21-01 OPERATION OF CLEANING, PUMPING AND SERVICING OF CESSPOOLS, SEPTIC TANKS, OR PRIVIES

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33-21-01-01. Permits required.

1. Any person, persons, partnership, firm, or corporation engaging in the business of cleaning, pumping, and servicing of cesspools, septic tanks, or privies shall have sufficient knowledge of sanitation, or principles underlying the operations of cesspools, septic tanks, disposal fields, and other means of treatment of excreta and sewage, and of proper methods to be used in this business. The work must be performed in a proper and sanitary manner to the benefit of the property owners and the public at large.
2. The permits issued under authority of the law by the local health officer or the local health officer's duly authorized representative are subject to the faithful performance by the operator and are cancelable for cause such as inefficient operation, defective equipment, or substantiated complaints. Permits shall be carried by the operator of the equipment and are not transferable.
3. Inspection of the equipment and operations may be made at any time by the health officer or the health officer's authorized representative in whose jurisdiction the operation is taking place.
4. The district, county, or city health officer shall submit a copy of the local permit that they may require to the state department of health. The health officers shall also inform the department immediately upon gaining knowledge of any flagrant violations of the law or the rules and regulations.

General Authority: NDCC 23-19-06, 28-32-02
Law Implemented: NDCC 23-19-06, 28-32-02

33-21-01-02. Equipment required.

1. The implements and containers used in this work shall be used for no other purpose except operations of a similar nature (as pumping of flooded basements, cellars, etc.).
2. Tanks and other containers used for the conveyance of the contents of cesspools, septic tanks, or privies shall be fully enclosed, strong enough for all conditions of operation, be leakproof, and shall be provided with suitable covers so that there will be no spillage on private premises or highways.
3. When in use, these implements and containers shall be operated in such a manner as not to become a health hazard nor a nuisance. When not in use and parked, all such vehicles with containers and tools shall be covered or protected so as not to cause an odor nuisance, the breeding of flies, the attraction of rodents or to become objectionable to any person or persons.

General Authority: NDCC 23-19-06, 28-32-02

Law Implemented: NDCC 23-19-06, 28-32-02

33-21-03. Spills.

1. The person or persons doing the actual cesspool, septic tank, or privy cleaning operation shall avoid spilling, pumping, or dumping the contents of the said cesspool, septic tank, or privy in the immediate vicinity of the operation or on the highway when transporting the contents for dumping. Any accidental spillage on the ground around the operation shall be cleaned up by the operator and disinfected in such a manner as to render it harmless to humans and animals.

General Authority: NDCC 23-19-06, 28-32-02

Law Implemented: NDCC 23-19-06, 28-32-02

33-21-04. Proper disposal. In each district, county, or city, the health officer or the health officer's authorized agent may investigate the suitability of the site for the disposal of the contents of cesspools, septic tanks, or privies. All contents shall be disposed of in such a place and in such a manner as will not constitute a nuisance nor a menace to public health. The disposal shall specifically comply with the following:

1. Shall not be disposed upon the surface of the ground within one thousand feet [304.80 meters] of any residence or public road.
2. Shall not endanger the purity of any water, either on the surface or under the surface of the ground.
3. Shall not be disposed of as to be contacted by any domestic stock used for food or the production of food.
4. Shall not be placed upon any garden growing vegetables to be used for human consumption or on fields used for the pasturing of livestock.
5. Shall not be discharged into a city sewer system or sewage disposal plant except when specific permission has been obtained for such method of disposal from the proper city officials.
6. May be disposed of by spreading on the land or by burying in such places and in such a manner as will not violate the provisions stated above.

General Authority: NDCC 23-19-06, 28-32-02

Law Implemented: NDCC 23-19-06, 28-32-02

33-21-01-05. Authority. The district, county, or city board of health shall have the authority to make such further regulations which may be deemed necessary to care for special features concerning the operation of cleaning cesspools, septic tanks, and privies, provided that such regulations do not conflict with the regulations of the state health council.

General Authority: NDCC 23-19-06, 28-32-02

Law Implemented: NDCC 23-19-06, 28-32-02

33-21-01-06. Tag to be displayed. A metal license tag with the number of license issued will be provided each operator which is to be posted in a conspicuous place on the left side of the servicing unit.

General Authority: NDCC 23-19-06, 28-32-02

Law Implemented: NDCC 23-19-06, 28-32-02